

In Re: Implementation of Alabama Voter Registration System
Request for Information Public Hearing

10/17/2006

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BEFORE THE ALABAMA
HAVA IMPLEMENTATION COMMISSION
MONTGOMERY, ALABAMA

EXHIBIT A

IN RE:

REQUEST FOR INFORMATION (RFI)
and PUBLIC HEARING:
IMPLEMENTATION OF ALABAMA
VOTER REGISTRATION SYSTEM

* * * * *

PROCEEDINGS, taken before the Alabama
HAVA Implementation Commission, in the Old House
Chambers, 2nd Floor, State Capitol, 600 Dexter
Avenue, Montgomery, Alabama, on Tuesday, October
17, 2006, commencing at approximately 10:08 a.m.,
and reported by Dee Coker, Registered
Professional Reporter and Commissioner for the
State of Alabama at Large.

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2 (Pages 2 to 5)

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1 ALABAMA HAVA IMPLEMENTATION COMMISSION:
 2 Mr. Sid McDonald, Chairman
 Judge Richard "Rip" Proctor
 3 Mr. Jim Bennett
 Mr. Trey Granger
 4 Mr. Ken Wallis
 5 SPEAKERS:
 6 Governor Bob Riley
 Judge Mike Davis
 7 Mr. James Tucker
 Mr. Les Sellers
 8 Ms. Corinne Hurst
 Ms. Barbara Crozier
 9 Judge Bill English
 Ms. Nell Hunter

10 *****

11 THE CHAIRMAN: Let me welcome all of you
 12 here today. My name is Sid McDonald. I'm
 13 from Washington. I'm the duly appointment
 14 Chairman of this Commission, which, in simple
 15 but necessary terms, is impaneled to help the
 16 Governor meet his mandate to make Alabama
 17 compliant with the NVRA, national legislation
 18 which we have not met so far for reasons too
 19 complicated to discuss right now. But we're
 20 to get it done, and we're going to try to do
 21 that for the best interest of everybody and
 22 in regard to the Governor's mandate and his
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1 your remarks can fit into that time frame.
 2 Let me, more importantly, introduce our
 3 Governor. Back when I was in college a
 4 hundred years ago, I took some courses that
 5 said don't ever get up and say somebody
 6 doesn't need introducing; that's poor style.
 7 Well, I couldn't overwhelm that posture
 8 today, because our Governor does not need any
 9 introduction, certainly among political and
 10 government leaders like you. So I'm --
 11 knowing he has far more to do than he has
 12 time to do it, I'm going to not even waste
 13 time endorsing his candidacy. He's so far
 14 ahead in the polls, I don't think my meager
 15 endorsement is needed or might even be
 16 helpful.

17 GOVERNOR RILEY: Take all the time you
 18 need, sir.

19 THE CHAIRMAN: But he's here because
 20 he's interested in what is happening here
 21 today. And may I present to you the Governor
 22 of our state, Bob Riley.

23 (Applause)

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1 sincere interest in getting it done.
 2 Let me quickly introduce the members of
 3 the Commission. Judge Richard Proctor,
 4 Probate Judge in Lawrence County. Former
 5 Secretary of State, important in this arena,
 6 and now Secretary of Labor Jim Bennett. Trey
 7 Granger, who has much to do with the election
 8 machinery in Montgomery County helping Judge
 9 McKinney run what I understand is a model of
 10 voting procedures that our whole state
 11 could -- could wish for. And on our far --
 12 my far left is Ken Wallis, Chief Legal
 13 Counsel to the Governor who is also unpaid
 14 but listened to advisor to this panel.
 15 We do welcome you here. This is an
 16 information session. We're here to hear from
 17 you, not for you to hear so much from us.
 18 And in a moment -- we have a list of those of
 19 you who are interested in making remarks.
 20 There are so many, I'm going to have to
 21 suggest and hope that you will hold your
 22 comments to a brief period; five minutes
 23 would be a wonderful bit of discipline, if

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1 GOVERNOR RILEY: Thank you. Thank you.
 2 Thank you. Let me introduce to you, Sid
 3 McDonald. Sid McDonald has agreed to be the
 4 chairman of this august group here. And I
 5 want to thank each one of you for taking time
 6 out of your busy schedule to do this.
 7 There's very few things that are more
 8 important in the State of Alabama, or all
 9 over America, than the right to vote and to
 10 make sure that every vote is counted and
 11 counted properly; to make sure that we have
 12 the best system in the United States. That's
 13 what this committee is all about. It will
 14 never delve into the political aspects. We
 15 have Democrats on this committee; we have
 16 Republicans on this committee. The only
 17 thing that I would like to charge the
 18 committee with is building the best
 19 identification system, the best voter
 20 registration system in America. If we do
 21 that, then we've served the people of
 22 Alabama; and that's ultimately what it's all
 23 about.

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1 Sid McDonald is one of these really
2 unique people that you meet every once in a
3 while and like that has been successful in
4 almost everything he has ever done. And I
5 told him this morning, the reason that I
6 asked him to come and chair this committee is
7 because a person of his esteemed value to
8 this state also has to remain active in the
9 state. I don't want him to just sit at home
10 and have to worry about what to do every
11 day.

12 This is a great panel. Again, it's not
13 partizan. We never want this to be
14 partizan. But we are committed to meeting
15 the timeline that the judge has set. This
16 implementation committee is going to be very
17 dependent on you for your insights, your
18 observations, your analysis of the best
19 systems that we can put together. We have
20 people in this room today that are talking
21 about a new type of technology, a new type of
22 enrichment technology that will allow us to
23 do things that other states haven't even

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1 began to address yet. And I hope all of it
2 works together for one -- one common
3 purpose. And that's for Alabama to meet the
4 timelines that the judge has set, keep the
5 politics out of the -- out of this whole
6 procedure, and let us build a world class
7 voter registration system.

8 Gentlemen, thank you for serving. I
9 know you've heard just a moment ago that the
10 chairman said that -- he underlined or put
11 special emphasis on the word unpaid. They
12 are. But that's even more important, because
13 the only job that each one of these people
14 have, the only job that any of you in here
15 that are going to testify or speak to this
16 group today is to remove any personal
17 vestiges of any reward, and let's build the
18 best system we possibly can.

19 I wish I could stay. I've got another
20 meeting in Birmingham, and evidently I'm
21 going to have to drive. But, again, thank
22 all of you for being here. Thank you for
23 your participation. If we work together,

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1 we'll meet the guidelines, and we will
2 develop that really world class system.

3 Thank you. Thank you, Mr. Chairman.

4 (Applause)

5 THE CHAIRMAN: At this time, I would
6 like to ask Nell Hunter to come forward and
7 lead us in the Pledge of Allegiance.

8 (Pledge of Allegiance)

9 THE CHAIRMAN: We now come to the
10 hearing part of our program. And to lead us
11 through that, I'm going to ask Trey Granger
12 to narrate the -- this segment. He knows a
13 great many of you personally, and he can
14 interact with you perhaps better than I can
15 as a stranger to most of you. Trey.

16 MR. GRANGER: Thank you, Mr. Chairman.

17 Thank you all for being here today. We
18 felt like it was time to clear the air, and
19 we appreciate you being a part of that
20 clearing.

21 We have got a very, very, very quick
22 schedule to get this done by August the 31st,
23 but we seek your input today to help us do a

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1 better job. We feel like, and the Governor
2 feels like, that each of you all hold a stake
3 in the outcome of this, because many of you
4 are local election officials. And anybody
5 who has the responsibility of being a local
6 election official, whether you're a sheriff
7 or circuit clerk, registrar or probate judge,
8 we all work together at the local level to
9 make sure the elections happen efficiently
10 and fairly. So we want your input.

11 We put out for comment the original RFP
12 that was released several years ago. We felt
13 like it's easier to amend/modify a document
14 that's out there, make it better, enhance it
15 than start over from square one. So we would
16 like to, A, ask for your comment today on
17 that document.

18 We're not here to talk about one vendor
19 being better than another. We're not here to
20 bash each other or anybody else. We're here
21 this morning to try to find the best document
22 that can be released in a very short period
23 of time, responded to very succinctly and

4 (Pages 10 to 13)

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1 very sincerely from capable, able vendors
2 from across this country who can provide
3 Alabama with a voter registration and
4 election management system that will make
5 Alabama world class in voter registration and
6 in automobiles.

7 So we encourage you to work with us
8 today to stay focused on that original RFP,
9 how we can change it, how we can look at your
10 perspective as a member of the Board of
11 Registrars or a probate judge or a circuit
12 clerk who deals with absentee voting on many,
13 many cases, or a sheriff who is the ballot
14 returning officer on election day. We take
15 your role very respectfully, because you have
16 that responsibility.

17 We're also going to be working and
18 invite to the table people who are involved
19 in other state agencies. Our new voter
20 registration system will have to be
21 interactive among different branches of state
22 and federal government. We truly want to
23 make this bad situation into a good one. We

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1 think Alabama can rise from the problems that
2 we have today with no implementation and turn
3 into a model for other -- the other 49 states
4 to look at when they look at redoing their
5 systems that might not reach the potential
6 that ours can become.

7 With that in mind, we have also released
8 a procurement schedule. I state early on
9 that that procurement schedule that you
10 should have a copy of is tentative. We have
11 to work with different bodies to make sure we
12 can do that. We would like to be very
13 aggressive in our efforts. We'd like a quick
14 turnaround, but we also want to give
15 everybody involved in the process time to
16 respond effectively and professionally. Then
17 we have to go through a contract, you know,
18 negotiation standpoint. So we offer that
19 procurement schedule.

20 But I'm going to stop now. We have a
21 list of some 22 people who I think signed up
22 to speak. We will call on you in the order
23 in which you signed up. If there are others

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1 who wish to speak after we go through this
2 list, please raise your hand, and we will
3 call on you.

4 The first person on the list from
5 Montgomery is Deanne Jeames, who is an
6 individual representing herself.

7 Deanne Jeames.

8 MS. JEAMES: No. I'm sorry.

9 MR. GRANGER: Oh, you don't want to
10 speak. Okay. Did everybody who signed this
11 list wish to speak?

12 AUDIENCE: No.

13 MR. GRANGER: No. Okay. Well, why
14 don't you raise your hand, and I will call on
15 you if you wish to speak.

16 Judge Mike Davis.

17 I think the Chairman has limited the
18 remarks to how long, Mr. Chairman?

19 THE CHAIRMAN: Five.

20 MR. GRANGER: He said to five minutes.
21 You know, or it's -- you know, try to --
22 we're trying to get everybody in within a
23 two-hour window. So we certainly hope you

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1 can make your remarks in that time.

2 JUDGE DAVIS: Okay. Governor Riley,
3 members of the Implementation Committee,
4 Mr. Wallis, as the designated voice and
5 representative of the organization that
6 represents Alabama's 68 probate judges, I
7 would like to thank each of you for this
8 opportunity to speak on the subject of
9 implementation of a voter registration system
10 in Alabama.

11 We would like to make a few observations
12 of the electoral process in Alabama, identify
13 some specific needs of probate judges, and
14 present three clear and distinctive
15 recommendations for your consideration.

16 Alabama's new voter registration system
17 must be more than just an average system. It
18 must be a vehicle that allows each county to
19 provide better and more efficient elections
20 in the years and the decades ahead. There's
21 been considerable debate over the "top-down"
22 versus the "bottom-up" concepts currently
23 being used by other states to comply with the

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1 HAVA requirements. Later in this
2 presentation, we will identify a better
3 approach to voter registration that includes
4 components of both concepts. Any approach
5 that does not provide local officials the
6 ability to perform their duties would have a
7 devastating effect upon the electoral
8 process.

9 Observations. Administration of
10 elections in the state of Alabama occurs at
11 the county level. Alabama does not have one
12 statewide election. We have 67 different
13 elections that collect the results of which
14 become our statewide system election. Each
15 county probate judge conducts these 67
16 elections. No one knows more about the
17 operational mechanics and how to conduct an
18 election than the probate judge.

19 One of the major keys to conducting a
20 successful election is the ability to
21 generate an accurate list of registered
22 voters on a timely basis for use at each
23 voting place. Poll workers at each polling

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1 place must know what ballot style each voter
2 receives when the voter arrives to vote.
3 Poll workers obtain this information from the
4 list of registered voters. If a voter
5 receives the wrong ballot style, when the
6 voter casts their ballot because the list of
7 registered voters contains erroneous
8 information, either that voter votes for
9 candidates for whom the person has no right
10 to vote, or the person is denied the right to
11 vote for candidates for whom the person is
12 entitled to vote. In any event, the
13 credibility of the election process is
14 brought into question.

15 And herein lies the obvious interest of
16 the Alabama Probate Judge's Association in
17 recommending a system that will enable us to
18 administer the laws governing the conduct of
19 elections as it pertains to voter
20 registration and the system's ultimate effect
21 upon our ability to administer elections on a
22 local level.

23 I perceived -- for the lack of time, I

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1 will not go over all of this, but for your
2 consideration, I give you a basic background
3 of each one of the election official's roles
4 in the state of Alabama. If I could, I would
5 like to just go to page 7 of your
6 presentation. I'd like to identify these
7 probate judges.

8 Any new system should include the latest
9 GPS and GIS technology to accurately assign
10 political subdivisions. This will enable
11 local Boards of Registrars to eliminate human
12 error in assigning political subdivision in
13 each county. And I would note that each
14 county's political subdivisions are unique,
15 and any system must have software designed to
16 serve each county's needs.

17 Probate judges need the ability to link
18 to a local database. We need the ability to
19 provide software with all information needed
20 to perform its statutory and administrative
21 duties. Some of these duties include but are
22 not limited to the ability to build tables
23 for ballot styles; the ability to assign

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1 ballot styles to each voter; the ability to
2 provide the official list of registered
3 voters to the absentee election manager; and
4 the ability to provide the poll lists to all
5 election officials on election day.

6 We also need the ability to provide
7 reports for all the voter registration data
8 information for the purpose to determine the
9 number of ballots for each polling location
10 and amount of printed supplies. The ability
11 to provide reports of voter registration data
12 to make recommendations to county commissions
13 for the addition or deletion of precincts,
14 and the ability to download data to disks or
15 deliver it electronically to newspapers for
16 the purpose of publication requirements.

17 The new system or vendor should include
18 the conversion of all voter registration data
19 to the needs of each individual county to
20 minimize confusion for the voters and the
21 election officials.

22 The vendor must be required to train all
23 state and local officials in the use of the

6 (Pages 18 to 21)

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1 software and hardware and identify all
2 resources to accomplish this task.

3 Our recommendations. The observations
4 of Alabama law in the roles of elected and
5 appointed officials at the county level
6 necessitates a voter registration system that
7 allows a database to be maintained at the
8 local level with the technical capabilities
9 to immediately, in real-time, provide this
10 information to a statewide system. HAVA
11 requires the state to have a single, uniform,
12 official, centralized, interactive
13 computerized statewide voter registration
14 list defined, maintained, and administered at
15 the state level. Therefore, we believe that
16 a combination from a "top-down" and a
17 "bottom-up" concept is worthy of your
18 consideration.

19 We propose a hybrid or a compromise
20 concept of voter registration in Alabama.
21 This hybrid method meets the truest and most
22 strict interpretation of HAVA Section 303.
23 It is the only way to guarantee equal voter

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1 protection across the state. All counties
2 using the same software system, procedures,
3 terminology, duplicate registrant detection,
4 data table values, et cetera. It allows
5 local servers, which adds another layer of
6 fail-safe redundancy allowing piece of mind
7 of local officials in being assured of their
8 needs to administer elections and would
9 prevent no interruption in service due to
10 loss in connectivity.

11 We emphasize each local county's
12 uniqueness and the absolute necessity to
13 allow development of software to accommodate
14 every need. Example: Changes in precinct
15 lines, legislative district lines, fire
16 districts, school board districts, municipal
17 district lines, reports, printing of poll
18 lists, building tables, assigning ballot
19 styles. The hybrid system we propose is in
20 compliance with HAVA requirements and with
21 Alabama law. We believe existing law in
22 Alabama requires such a concept.

23 Therefore, the APJA recommends three

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1 points. One, Alabama's new voter
2 registration system should be developed and
3 designed as hybrid to include uniform data
4 structures, uniform hardware architecture
5 among the counties supportive of the state,
6 and uniform software structure among the
7 counties interactive with the state, and
8 continuous high-speed connectivity among the
9 67 counties and the state for interactive
10 data management and data inquiry.

11 The system is one statewide central
12 platform supported by a foundation of 67
13 footings. The hardware, software, operation
14 and interaction of each footing would be
15 identical to that of the platform but would
16 allow for local functionality in election
17 requirements of local officials.

18 With a hybrid design, the 67 supporting
19 counties would report in real-time fashion to
20 the central platform or database but would be
21 able to function sufficiently or
22 independently should there be an unexpected
23 interruption at the state level or in some

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1 location in another portion of the state.

2 Secondly, the new system shall include
3 the state-of-the-art components that can
4 immediately be utilized in many counties but
5 not overwhelm rural counties with limited
6 resources or personnel. We suggest your
7 including the following system capabilities
8 when creating the components, and most
9 basically all of these from page 12 through
10 14 are those that we've identified as needed
11 for probate judges.

12 I would point out that in order to
13 maintain efficient, easy, and network-
14 friendly system, we suggest the following
15 encryption specifications. One, FIPS 140-2
16 certified encryption. Two, Purely Symmetric
17 encryption as opposed to the Asymmetric
18 encryption, because it is a known fact within
19 the cryptology community that Symmetric
20 encryption is more efficient than
21 Asymmetric.

22 While the criterion you design and the
23 system you select should be the single system

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1 for storing and managing the official list of
2 registered voters in Alabama, it should also
3 be a system for use in each of the 67
4 counties which comprise the state.

5 We encourage you to provide a full array
6 of options within the system that will allow
7 each jurisdiction to determine the level of
8 extras the county chooses to utilize while
9 remaining committed to the fundamental
10 requirements of state and federal law. For
11 example, many of our schools offer advanced
12 placement classes to some students while
13 maintaining a core curriculum of basic and
14 immediate options for those who are more
15 comfortable in such an environment. Using
16 this educational metaphor, we certainly
17 advocate the system be able to accommodate
18 those counties who are interested in advanced
19 placement but also mindful and accommodating
20 to those counties who prefer a more
21 fundamental approach toward compliance.

22 The third and final component we
23 recommend is the Alabama voter registration

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1 system be designed to serve as an election
2 management resource for each of the 67
3 counties. The new system should streamline,
4 integrate, and ensure the following election-
5 related duties: entering provisional voter
6 information in voter's history and all other
7 aspects of provisional voting; creation of
8 election management documents; poll worker
9 management; logging and reporting military
10 requests for absentee voting; absentee voting
11 reports, (requesting and voting); batch
12 reports for ballot styles and quantities
13 based on registration information. All of
14 these are very important for the
15 functionality at the local level, and
16 elections do occur on local levels in
17 Alabama.

18 The state's HAVA plan provides for \$12
19 million and related interest accrued for the
20 creation and implementation of the statewide
21 voter registration system. If we work
22 together now, we can ensure a system built
23 upon a strong foundation implemented with a

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1 balanced view of both statutory compliance
2 and local functionality and properly
3 maintained for future generations. No other
4 state in the country is in the situation
5 Alabama finds itself. We ask the committee
6 to act quickly but prudently in this
7 endeavor. If Alabama is successful in this
8 hybrid approach, together we will be able to
9 provide other states a model of success.
10 Many of them are looking for effective
11 solutions for revision to a system adopted
12 without full consideration given to the
13 responsibility of conducting elections at the
14 county level.

15 With time being of the essence, we
16 encourage you to seek a system that maximizes
17 compliance with Alabama election laws. The
18 U.S. Election Assistance Commission in July
19 2005 issued a report which concluded that a
20 hybrid concept complies with HAVA
21 requirements. We would further note that the
22 Department of Justice has approved similar
23 systems in the country.

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1 We encourage Governor Riley and the
2 members of this committee to embrace the
3 responsibility and enormous task placed upon
4 local election officials of this state in
5 conducting a primary, run-off, special, or
6 general election and provide a hybrid system
7 that takes the best of all approaches and
8 produces a world class voter registration
9 system. The Alabama probate judges stand
10 ready to assist in such effort.

11 MR. GRANGER: Thank you, Judge Davis.
12 Thank you for your written comments as well.

13 Who would like to speak next?

14 Yes, sir? If you would state your name
15 and who you represent, please.

16 MR. TUCKER: I will. Thank you very
17 much. My name is James Tucker. I'm a lawyer
18 with the Alabama Disabilities Advocacy
19 Program. Thank you, Chairman McDonald, other
20 commissioners, Mr. Wallis, for the chance to
21 be here this morning.

22 The Alabama Disabilities Advocacy
23 Program has the responsibility in the state

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1 of Alabama for representing and advocating
2 the interest of a broad variety of persons
3 who have a variety of disabilities. That
4 includes both physical disabilities and other
5 kinds of disabilities. One thing that we
6 would urge this Commission to respect and pay
7 attention to throughout its deliberations is
8 that one of the reasons that HAVA was passed
9 was in order to assure full compliance with
10 the ADA, the Americans with Disabilities
11 Act. To boil it down, the ADA requires that
12 persons with disabilities be able to obtain
13 physical access to a polling place in that
14 once that person has entered the polling
15 place and has entered the polling booth, that
16 that person be able to execute his or her
17 vote with an appropriately accessible
18 machine. There have been a number of surveys
19 with regard to the broad variety of voting
20 machines that are available throughout the
21 country. Some of those machines have
22 identified significant compliance problems
23 with the ADA. We would urge this Commission

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1 to pay attention to both physical
2 accessibility issues to polling sites and to
3 assuring that voting machines are fully
4 accessible to all persons with all
5 disabilities. We would welcome the
6 opportunity to work with the members of this
7 Commission to assure that. We've already had
8 the opportunity to work with Commissioner
9 Granger in Montgomery.
10 That said, we also note that there have
11 already been, sirs, unfortunate comments from
12 a minority, a handful of election officials
13 around the state which have called into
14 question the ultimate necessity and value of
15 complying with the ADA with regard to this
16 important matter. We would be happy to share
17 that information with the members of the
18 Commission and to work with you further to
19 assure compliance. We do not wish for this
20 state to fail to comply with the requirements
21 of the ADA as it seeks to fully implement its
22 duties under HAVA.
23 We would welcome the chance to work with

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1 all members of this Commission and all
2 elected officials throughout the state, and
3 we thank you for the opportunity to be here
4 today. Thank you.

5 MR. GRANGER: Thank you for your
6 comments. Before you leave, I would like to
7 say that when we first talked, Governor
8 Riley's number one priority for this
9 commission was to make sure that we included
10 and considered everything you've just said.
11 And I'll say our Governor is right on point
12 in making sure that we do that statewide.

13 MR. TUCKER: Thank you so much.

14 MR. GRANGER: Absolutely.

15 Les Sellers from Coosa County.

16 MR. SELLERS: My name is Les Sellers,
17 and I'm chairman of the Legislative Committee
18 for the Alabama Association of Boards of
19 Registrars. I'm here this morning to pledge
20 the support of the Boards of Registrars in
21 this venture, our cooperation, and request
22 the opportunity, when appropriate, for us to
23 have an opportunity as the end users to

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1 comment on and constructively work towards
2 the final software package in the complex
3 situation that we're dealing with.

4 There are two comments that I would like
5 to make. One, over the period of time that
6 I've served on the Board of Registrars in
7 Coosa County, I observed that the existing
8 Alabama state system atrophied considerably
9 because of electing financing. And I would
10 call the Commission's attention to the
11 Section 6 of the Secretary of State's HAVA
12 implementation plan where it is clearly
13 pointed out that the moneys that HAVA is
14 providing is to build a system, but it does
15 not address the maintenance, care, and
16 feeding of that system in the out-years,
17 which could be substantial because technology
18 changes on a regular and reoccurring basis.

19 And, certainly, I applaud everything
20 that the judge discussed as far as the hybrid
21 system. I particularly am impressed with the
22 thought that the complexity of that system
23 may be, when provided, varied based on the

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1 size and the population of the counties
2 involved and the needs of the counties; but I
3 think the out-year expenses are something
4 that really needs to be considered. And I
5 would hope that in that light, the finance
6 director and the information services
7 director might be included as persons that
8 would -- would have input to how we would
9 manage that aspect.

10 In plain terms, sir -- gentlemen, I am
11 concerned about a divorce that might take
12 place between the state and its provided
13 system now that in the out-years would work a
14 tremendous financial burden on the individual
15 counties. And -- and beyond that, I look
16 forward to working with you in any way
17 possible. Thank you very much.

18 MR. GRANGER: Thank you, Les.

19 Corinne, Circuit Clerk from Lee County.

20 MS. HURST: Good morning. Mr. Chairman,
21 members of the committee, I am Corinne Hurst,
22 the Circuit Clerk in Lee County. I'm an
23 attorney, immediate past president of the

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1 Circuit Clerks' Association, and I'm here
2 today on their behalf.

3 I have expressed my feelings in the past
4 as a member of the HAVA committee to Judge
5 Proctor and to Trey Granger and to Judge
6 Davis and many others, and we are extremely
7 supportive of this process. So we -- we
8 pledge our support to you.

9 I would like to emphasize that for way
10 too long, the absentee process in Alabama has
11 been sorely neglected. It's been left out
12 there to be dealt with by generally the
13 circuit clerks or the appointed absentee
14 election manager. It is vital that we have
15 an absentee component developed as part of
16 this process.

17 As statutory and administrative
18 additions have been added in the area of HAVA
19 law, particularly with the area provisionals
20 and the military database, that has greatly
21 added to the frustration and the time-
22 consuming aspect of absentees; and it is just
23 mandatory that we have a component built in

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1 that will automate many of the functions that
2 the absentee election manager, circuit clerk
3 must handle. And, in fact, it will cut down
4 on errors, it will save time, it will save
5 money; and I do believe that -- that to
6 integrate that would assist the county
7 probate judges as well to eliminate some
8 functions there. So I will keep my comments
9 brief, but I know that you know my concerns
10 about that area of absentees.

11 We pledge to work with you to make sure
12 that we develop software that's capable of
13 doing that. Thank you.

14 MR. GRANGER: Thank you, Corinne.

15 Anyone else like to speak?

16 Barbara Crozier.

17 MS. CROZIER: Gentlemen, I won't bother
18 getting behind the podium, because you
19 couldn't see me there.

20 I am really excited about the
21 appointment of this commission. This is a
22 huge issue. Number one, the correction of
23 our -- of our voter polls. That alone could

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1 revolutionize reporting in Alabama.

2 Naturally, since I am a person with a
3 disability and I represent over a million
4 people in the state of Alabama who have
5 significant disabilities, according to the
6 2000 census, when you count those individuals
7 who are not counted in the system census,
8 that's a large group of people that sometimes
9 are not included.

10 I have been voting since I was old
11 enough to vote. And many, many times, I was
12 in a voting place that was not accessible. I
13 had to be carried up steps. I had to vote on
14 a machine that I could only reach a certain
15 level, you know, of the candidates. If I had
16 a private vote, that meant that I could only
17 vote for those candidates I could reach.

18 When Montgomery got the kneeling voting
19 machines, that was a big improvement; and I
20 could almost reach every one of those,
21 because in addition to having a disability,
22 I'm short. So I have a dual thing going
23 there. But I am only one person with a

10 (Pages 34 to 37)

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1 disability.

2 I would like to tell you a little bit
3 about what Montgomery County has done. I
4 remember many, many years ago when we were
5 trying to implement the -- I believe it was
6 1984 Federal Law about making the voting
7 process accessible to people with
8 disabilities and senior citizens. I went to
9 every county in the state. And that was a
10 long time ago. But I met probate judges and
11 other county election officials who were not
12 aware that there were people with
13 disabilities in their county.

14 I personally know that there are many
15 individuals in every county. And because I
16 am here to speak for them, I want you to
17 think about not me, but let's talk about the
18 most significantly impaired individual. And
19 I'm going to use an example that we were
20 successful in making the elections process an
21 independent situation for this individual.

22 He is paralyzed from the third cervical
23 vertebra down. He cannot move his hands. He

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1 can move his head. He can bump himself a
2 little bit like this (indicating) just by the
3 action. But I asked Trey that we make our
4 system accessible to this individual, because
5 I knew he would be one of the biggest
6 challenges.

7 The machines that we're using right now
8 had the ability to have little flexible
9 rubber straw or hose added to it. And this
10 individual who operates his wheelchair by
11 sipping and puffing on a similar straw was
12 able, for the very first time in his life, to
13 vote a private and totally independent vote.
14 I can't tell you what that meant to this
15 individual. And I can't tell you what it
16 means to other individuals with significant
17 disabilities -- people who are blind, people
18 who are deaf, people who don't have the full
19 ability to -- to read. But with the machine
20 we have, you can put a headset on, and it
21 guides you right through the process. Each
22 of these individuals were able to vote
23 independently and with dignity.

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1 For all those people, I want to say that
2 it is a tremendously wonderful thing to
3 participate in person in the elections
4 process; to be there and let other people see
5 that your voice is being counted; that you
6 are participatory in your county, your city,
7 and your state.

8 If there is anything that I can do to
9 help make this body include accessibility for
10 people -- and I know places like Coosa County
11 and Clay County and Perry County and all
12 those places will have problems with this.
13 The disability community in Alabama stands
14 ready to assist in any way that we can. So
15 we wish you well, and we offer our heart-felt
16 desire to work with all of you. Thank you.

17 MR. GRANGER: Would anyone else like to
18 speak or address this group today?

19 Yes, sir? Judge English.

20 JUDGE ENGLISH: Mr. Chairman,
21 Commissioners, good morning. My name is Bill
22 English. I'm the probate judge of Lee
23 County. I'm also an attorney. I also happen

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1 to serve as chairman of The Alabama
2 Electronic Voting Committee, but I want you
3 to understand that my comments this morning
4 are in my personal capacity primarily from my
5 previous experience.

6 For 18 years prior to being elected as
7 probate judge, I served as the data
8 processing manager and the elections manager
9 for Lee County. In that capacity, I actually
10 designed, programmed, wrote, and implemented
11 a voter registration system. So I have a
12 little bit of a unique perspective on the
13 needs here, if you would.

14 I know there are a lot of people
15 interested in this. There's a lot of money
16 on the table. There have been a lot of
17 submissions previously. I actually reviewed
18 the previous submissions, each and every one
19 of them.

20 There are a couple of issues that I
21 think may get glossed over in this process
22 that I'd like to make sure that you
23 consider. We are not inventing the wheel

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1 here. Voter registration occurs in 49 other
2 states. Alabama is unique, but it doesn't
3 have a unique concept here. We probably
4 benefit most by looking at the existing
5 systems and adapting them to our needs as
6 opposed to completely rewriting this issue.

7 One of the issues that surfaced in the
8 previous RFP that I think needs to be
9 considered is there was some discussion over
10 ownership of the software versus source
11 coding the software. I do think Alabama
12 needs to have access to the software on its
13 own so that it can fix it should the vendor
14 not be able or willing to, but I don't think
15 any vendor is going to be very agreeable in
16 allowing the state to have ownership of the
17 source code, because that would allow the
18 state to turn around and sell it to others.
19 I don't think anybody in the industry is
20 going to be interested in that.

21 Another concept I would urge you to
22 consider is the state should require open
23 access data. The data should be stored in

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1 one format that can be accessed by more than
2 one vendor. If you're not careful, a vendor
3 may store the data in a proprietary format
4 where only that vendor can access the data.
5 That would not give you the ability to change
6 should you need to in the future.

7 The data needs to be accessible by all
8 of the affected user groups. Certainly the
9 Board of Registrars will be the front-line
10 and the foremost user of this package. But
11 the circuit clerks, the probate judges, and
12 the Secretary of State's office all need the
13 ability to use the information as well. We
14 don't need an information stranglehold, if
15 you would, because we need the ability to use
16 this product.

17 Last, I would urge you to make it -- the
18 purchasing decision in such a manner that it
19 can be modifiable for local needs as
20 necessary. Alabama's counties are all
21 different, as you know. We need the ability
22 to adapt with this package. For instance, in
23 Lee County, the November general election, we

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1 will have 73 different ballot styles because
2 we have the various combinations of districts
3 that all the counties have; we've also got a
4 fire district election this year. Other
5 counties may not have that. If you don't
6 allow some significant design input from the
7 end users, you know, ultimately, you're going
8 to wind up with a package that fits the
9 experts' needs but doesn't fit the users'
10 needs.

11 In closing, I would encourage you, let's
12 make this a practical business decision, not
13 just a politically-influenced buying
14 decision. Thank you.

15 MR. GRANGER: Thank you, Judge English.

16 Any other local official or interested
17 party before we move on to the vendor
18 comments?

19 I think this Commission wants to thank
20 everybody from a local perspective. Many of
21 us have worked together in the rewrite of
22 Title 17. So I know we're going to call on
23 your expertise. I know Judge Proctor and

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1 Ms. Hurst and several of us worked on that
2 revision. So in that same spirit of
3 cooperation and bipartisan fashion, we're
4 going to call on many of you to be resources
5 to us for expertise from your area. So we
6 appreciate your comments today.

7 We also categorized this hearing as a
8 request for information. As I said early, we
9 felt like that rather than starting over from
10 square one, we could build on at least the
11 tenets of an RFP that were out there. We
12 asked vendors who might be interested. We
13 sent out over 700 notices of information to
14 different companies and affiliates registered
15 with the Alabama Department of Finance.

16 If you are here today representing a
17 vendor and have information that you would
18 like for us to consider as we begin to
19 restructure this RFP to make it affordable
20 for Alabama, we would certainly appreciate
21 your comments and information. However, we
22 don't want anyone to sell their product or
23 tell us today why one system might be better

12 (Pages 42 to 45)

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1 than another. We would like your information
2 and input on how we can structure an
3 efficient and world class RFP for Alabama.
4 And I'll just take it by the first hand I
5 see, if any.

6 Any vendor that would like to make a
7 comment or recommendation?

8 MS. HUNTER: Trey, I'd like to just say
9 a few words. I don't want to make a speech
10 but just a few things to let you know how we
11 feel.

12 MR. GRANGER: Great. Before we do that,
13 we'll have you, Ms. Hunter. You're the
14 godmother of voter registration, so I'd like
15 for you to come on up here. Yes, ma'am,
16 please come on.

17 MS. HUNTER: Okay. If I can make it up.
18 You know how long I've been here. I just
19 want to say hello to everybody and tell you
20 that I'm just here to say that all of you
21 have my support. And if I can do anything to
22 help you down here, I will. And I want to
23 work with Trey, and our county wants to. And

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1 I have people in my office that, of course,
2 we want to know what you want them to do, but
3 we want to allow them to do that. And I'm
4 here because I'm interested and I care. And
5 I know that all of you have a need. And the
6 one that spoke about absentee voting
7 absolutely needs it very much. And it
8 affects the registrars. We work with them,
9 and especially with the provisional voting.
10 That is something that interacts between the
11 two departments. But it needs to be more
12 going on between the departments and then
13 more help to you.

14 And I just wanted -- I feel like I know
15 all of you, I've been here so long. And I
16 guess I'm still here because I -- I love it.
17 I built a system from a newspaper up. The
18 county has always been great to me and always
19 been helpful as well as the state has, also.
20 And I did, though, want Trey to know, and I'm
21 sure that other -- there is other counties
22 that will have people that can be of some
23 help to him. And I understand that's the way

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1 you're to build a system.

2 And you did mention that the RFP that
3 you had something to build on, and you can
4 change -- and I have already sent him
5 information on many of the subjects and where
6 I thought that we could improve. And I'm
7 just here to help anyone and to do anything
8 that I can, because my system, you know,
9 works for me. And it can -- and you know
10 what we all have to know is that you need
11 systems that can do anything that the larger
12 counties can do, but it also needs to be able
13 to do the very simple things. And, you know,
14 so many of the counties will not need what
15 maybe five or six of the counties will need.
16 But the ability for them to have this out
17 there for their needs, it's imperative that
18 you get it and know what you need to begin
19 with rather than to go back and ask for some
20 more.

21 So -- but not go overboard and just
22 start at a low level. But I felt like I knew
23 you enough that I could just speak to you and

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1 tell you that you would have my support.

2 Okay. Thank you.

3 MR. GRANGER: Thank you, Ms. Hunter.

4 Anyone else like to speak, or any
5 vendor, before we move into a notice of the
6 recommended timeline for procurement? We'd
7 love to hear from anybody else at this
8 point.

9 Ken points out very well that anybody
10 that would like to make any written
11 submissions, we will take them today through
12 five o'clock; we would appreciate that, or
13 any future comments or e-mails, they would
14 also be welcome.

15 I'd also like to point out that we
16 provided everyone here today with a timeline
17 for procurement. We are going to try to live
18 by this timeline to the best of our ability.

19 Judge Proctor and I have to live through
20 November the 7th, which is the upcoming
21 general election, and we wanted to work
22 around that deadline. I know all of you in
23 this room who are election officials and

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1 vendors also have that on your mind, because
2 getting through November 7th is a challenge
3 for each of us; whether you're a Board of
4 Registrar, a probate judge, a circuit clerk
5 or a sheriff, we all have responsibilities
6 that day.

7 But we will provide electronically to
8 everyone on November the 3rd, an outline or a
9 skeletal form of what we feel like the major
10 issues for our new RFP are. It will not be a
11 final RFP but will only be an outline form so
12 that you who are vendors can begin to
13 formulate thoughtful and meaningful
14 responses. We discourage -- we clearly
15 discourage just canned, off-the-shelf
16 responses.

17 We will then have an RFP that's released
18 on November the 17th. I would like to
19 underscore that it will be released
20 electronically, and it will be on Governor
21 Riley's web site. There will be no written
22 release of the RFP. We feel like if we do it
23 electronically on Governor Riley's web site,

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1 then everybody will have access to that RFP
2 at the same time, and we don't have to rely
3 upon the mail to get to some folks earlier
4 than the others.

5 We will then have some issues in between
6 then, and those dates will be posted this
7 afternoon on his web site. But we will have
8 a mandatory vendor conference on December the
9 1st. That will be a joint session of this
10 Commission and the Alabama HAVA Committee,
11 assuming that -- we feel like the chairman of
12 that committee will work with us. He's
13 expressed so. So we will have a joint
14 meeting here at the Capitol complex, and that
15 location will be announced. But we will have
16 a joint vendor conference. We will have a
17 question-and-answer session, and we will also
18 have slotted times for vendors to make their
19 presentation to the joint session.

20 Proposals will then be due by noon on
21 December the 8th. The proposals will be due
22 by noon on December the 8th; and then there
23 will be a schedule of review, negotiation,

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1 and then moving forward toward
2 implementation.

3 I have to note that we put a disclaimer
4 at the bottom of this, because there are some
5 dates that are subject to change. Alabama
6 has a Joint Legislative Contract Review
7 Committee by which we will have to work. We
8 don't know at this point whether or not that
9 body can call a special meeting or if they
10 can postpone their January meeting.

11 But we want plenty of time to negotiate,
12 and we want and put everybody on notice. We
13 are going to create a schedule of vendors
14 that we will negotiate with and a priority
15 status after we look through all the
16 proposals and a recommendation comes. So
17 there will be a first priority. So we want
18 everybody to know that there won't be just
19 one award. We will negotiate with one first;
20 and if we couldn't get a conclusion with
21 them, we might move to a second choice. But
22 we will schedule those people so that
23 everyone can be on notice. And everything

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1 that we do will be put on the web site so it
2 will be fair and accurate for everybody
3 involved in the process.

4 At this point, I'll turn it back over to
5 Mr. Chairman for any further business and
6 adjournment. Thank you for being here.

7 THE CHAIRMAN: Thank you, Trey, for your
8 participation. And thank all of you who --
9 who enlightened us on your needs.

10 Implementing this act is a very
11 challenging undertaking, a huge one. But
12 it's very promising. I have history
13 observing all of the issues that you good
14 folks brought to us today. I don't -- in my
15 part of the country, every election we have,
16 you have to finally settle it by a lawsuit
17 because certain laws are vague or certain
18 lists are not accurate, and the -- on and
19 on. It goes to convincing me long before
20 this involvement that all of this process
21 needs the kind of redo that we're about. And
22 we're going to do our best to provide what
23 the state and all of you need.

14 (Pages 50 to 51)

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1 Anybody among us wish to say something?
2 Judge? Mr. Wallis?

3 MR. WALLIS: I think it would also be
4 important to tell everybody, in addition to
5 us attempting to post everything on the
6 Governor's web site, we would welcome if any
7 of you have questions, concerns, suggestions,
8 communicate to any one of this group or to
9 me, because we have a very good communication
10 system among ourselves. And so a
11 communication to one will suffice as a
12 communication to all, and we will make each
13 other known of your questions or concerns and
14 be as responsive as we can to anything that
15 you need as members of the public, as
16 election officials, or as vendors. Thank
17 you.

18 THE CHAIRMAN: Thank you again. We are
19 adjourned.

20 (The proceedings concluded
21 at 11:04 a.m.)

22 * * * * *

23 END OF PROCEEDINGS

* * * * *

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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 ELMORE COUNTY

4 I, Dee Coker, Registered Professional
5 Reporter and Commissioner for the State of
6 Alabama at Large, hereby certify that on Tuesday,
7 October 17, 2006, I reported the PROCEEDINGS in
8 the matter of the foregoing cause, and that pages
9 2 through 50 contain a true and accurate
10 transcription of said proceedings.

11 I further certify that I am neither kin
12 nor of counsel to the parties to said cause, nor
13 in any manner interested in the results thereof.

14 This 7th day of November, 2006.

15
16
17
18
19 DEE COKER, CSR, RPR
and Commissioner for the
State of Alabama at Large

20 MY COMMISSION EXPIRES: 1/25/09

21
22
23